

REMARKS

The Office Action dated June 30, 2004, is mistaken with respect to its assertion that MPEP §821.03 prohibits Applicants' prior amendment of certain pending claims. MPEP §821.03 is expressly limited to situations in which an applicant adds claims following action by the examiner. Because Applicant's prior amendment did not add any claims, MPEP §821.03 is inapposite.

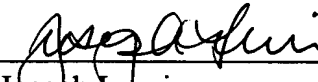
The Office Action is also mistaken with respect to its suggestion that the Examiner has adequately identified species she deems to be patentably distinct. There has been no identification of the alleged species, much less any demonstration that such species are, in fact, patentably distinct. For example, the Office Action dated September 23, 2003, alleges that the claims recite "an exponential number of species" (Office Action at 2), but does not provide any guidance regarding perceived demarcations among such species. In an attempt to simply aid the Examiner in conducting a search and examination of the claimed subject matter, Applicants identified one of the many compounds within the scope of their claims; as Applicants clearly indicated at the time, this was not to be construed as limiting the scope of their claims. To the extent that the Examiner now considers the identified compound to constitute a "species," Applicants request that she: (1) confirm this on the record; (2) clearly identify any other alleged species; and (3) "provide reasons and/or examples to support [her] conclusions" regarding any alleged patentable distinctions among such species (per MPEP §803). To the extent that the Examiner intends to designate species on some different basis, Applicants request that she: (1) clearly identify the respective species; and (2) "provide reasons and/or examples to support [her] conclusions" regarding any alleged patentable distinctions among such species.

DOCKET NO.: ISIS-4804
Application No.: 09/996,292
Office Action Dated: June 30, 2004

PATENT

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable Action is respectfully requested.

Date: July 15, 2004



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